

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

DOYLE HOLT, SR.,  
ADC #73989

PLAINTIFF

v.

5:08CV00103HLJ

BEVERLY HILL, et al.

DEFENDANTS

ORDER

This matter is before the Court on plaintiff's motion for default (DE #28) with respect to defendant Ralph Gagliardi.

By Order dated June 6, 2008, summons was issued as to defendant Gagliardi and service was returned, executed, on June 23, 2008 (DE ##7, 10). As of this date, defendant Gagliardi has not filed an answer to plaintiff's complaint. Based on such, plaintiff now asks for the entry of default (by motion and affidavit) against defendant, pursuant to Fed.R.Civ.P. 55.

According to Fed.R.Civ.P. 55(a), entry of default is appropriate when a party fails to plead or otherwise defend, and that fact is made to appear by affidavit or otherwise. In light of plaintiff's motion and affidavit, the Court will direct the entry of default against defendant Gagliardi. The Court will also direct defendant Gagliardi to file a response, within fifteen days of the date of this Order, to plaintiff's request for the entry of a default judgment against him. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion for the entry of default against defendant Ralph Gagliardi (DE #28) is hereby GRANTED. The Clerk of the Court is hereby directed to enter the party's default.

IT IS FURTHER ORDERED that defendant Gagliardi shall respond to plaintiff's request for the entry of a default judgment against him, within fifteen days of the date of this Order.

IT IS SO ORDERED this 9th day of September, 2008.

*Henry L. Jones, Jr.*  
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United States Magistrate Judge